



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

December 21, 2005

Nancy Sonafrank, Section Manager
Alaska Department of Environmental Conservation
Water Quality Assessment and Monitoring Program
610 University Avenue
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Dear Ms. Sonafrank:

The Alaska Department of Environmental Conservation (DEC) proposes to amend the existing residue criteria in 18 AAC 70.020(b)(8) and (b)(20) of the Alaska Water Quality standards. The National Marine Fisheries Service (NMFS) has reviewed the latest proposed revisions to the residue criteria for Alaska Water Quality Standards. Residues are defined as floating solids, debris, sludge, deposits, foam, scum, or any other material or substance remaining in a water body as a result of direct or nearby human activity. Examples of residues include seafood waste from processing facilities, and bark waste at log transfer facilities.

Residue criteria is used for:

- Wastewater discharge permitting and compliance, where residue discharges may be allowed in mixing zones or zones of deposit;
- Waterbody assessment where the Department evaluates whether a waterbody meets the designated uses assigned to those waters;
- Waterbody recovery plans; and
- Enforcement actions for water quality violations.

NMFS provided comments on the original proposed revisions in July 2005. The latest proposed revisions do not address the issues raised in those comments. Therefore, NMFS remains concerned that the proposed revisions to residue criteria fail to acknowledge the environmental impacts of residues on designated uses related to aquatic life. Currently a zero-based criterion specifies that residues may not "be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines", except as authorized in a wastewater discharge permit. DEC proposes to replace this standard with less stringent language which allows for more interpretation. For example, under the standard for both marine and fresh water (which addresses growth and propagation of fish, shellfish, other aquatic life and wildlife), the existing language states:

"May not, alone or in combination with other substances or wastes, make the water unfit or unsafe for the use, or cause acute or chronic problem levels as determined by bioassay or other appropriate methods. May not, alone or in combination with other substances, cause a film, sheen, or discoloration on the surface of the water or adjoining shorelines; cause leaching of toxic or deleterious substances; or cause a sludge, solid, or emulsion to



be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines.”

The new proposed language would read;

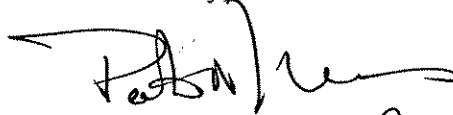
“May not, alone or in combination with other substances, be present in concentrations or amounts that form objectionable deposits or result in undesirable or nuisance species.”

In addition to the concern we have over the elimination of language that recognizes toxic and/or deleterious substances can leach out of residues, we are concerned that residues have the potential to alter benthic topography, affect habitat for nearshore fish and invertebrates species. While we recognize that the current narrative criteria may be subject to interpretation, the language in the proposed revision is so vague as to be unenforceable. Using descriptive terms such as “objectionable,” “undesirable,” and “nuisance” are difficult to quantify or define, making it challenging to measure when the criteria for the standard have been exceeded. Conceivably, the cumulative impacts from such changes could adversely affect designated uses.

Therefore, NMFS recommends that DEC retain the more specific existing residue criteria, which assures that designated uses and standards are protective of resources of concern to NMFS. Should DEC decide to go forward with the proposed changes, NMFS recommends that DEC develop implementation guidance with prescribed requirements for monitoring and enforcement in order to determine what forms an “objectionable deposit” or results in an “undesirable or nuisance species.”

Should you have any questions regarding these comments please contact Ms. Jeanne Hanson at (907) 271-3029. Additional information regarding these resources can be found at; <http://www.fakr.noaa.gov/protectedresources/default.htm> and <http://www.fakr.noaa.gov/habitat/default.htm>.

Sincerely,



Robert D. Mecum *for*
Acting Administrator, Alaska Region

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